

Nat'l Highway Traffic Safety Admin., DOT

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49 CFR part or section containing information collection requirement	OMB control No.
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Section 551.45	2127-0040
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Consolidated owners' manual requirements for vehicles and equipment (§§ 571.126, 571.205 571.208, 571.210, and 575.105)	2127-0541
Consolidated labeling requirements for tires and rims (parts 569 and 574, §§ 571.109, 571.110, 571.117, 571.119, and 571.120)	2127-0503
Consolidated VIN and Theft Prevention Standard and Labeling Requirements (parts 541, 565, 567 and § 571.115)	2127-0510
Consolidated lighting requirements (part 564 and § 571.108)	2127-0563
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[57 FR 21215, May 19, 1992]

PART 510—INFORMATION GATHERING POWERS

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AUTHORITY: Secs. 112 and 119, National Traffic and Motor Vehicle Safety Act 1966, as

amended (15 U.S.C. 1401 and 1407); secs. 104, 204, 414, and 505, Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 1914, 1944, 1990d, and 2005); delegation of authority (49 CFR 1.51).

SOURCE: 45 FR 29042, May 1, 1980, unless otherwise noted.

§ 510.1 Scope and purpose.

This rule governs the use of the information gathering powers of the National Highway Traffic Safety Administration contained in section 112 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended 15 U.S.C. 1401, and sections 104, 204, 414, and 505 of the Motor Vehicle Information and Cost Savings Act, as amended 15 U.S.C. 1914, 1944, 1990d, and 2005.

§ 510.2 Definitions.

- (a) *NHTSA* means the National Highway Traffic Safety Administration.
- (b) *Administrator* means the Administrator of the National Highway Traffic Safety Administration.
- (c) *Chief Counsel* means the Chief Counsel of the National Highway Traffic Safety Administration.
- (d) *Deputy Administrator* means the Deputy Administrator of the National Highway Traffic Safety Administration.
- (e) *Person* includes agents, officers, and employees of sole proprietorships, partnerships, corporations, and other entities.

[45 FR 29042, May 1, 1980; 45 FR 32001, May 15, 1980]

§ 510.3 Compulsory process, the service thereof, claims for confidential treatment, and terms of compliance.

- (a) NHTSA may use any of the following means to conduct investigations, inspections, or inquiries to obtain information to carry out its functions under the National Traffic and Motor Vehicle Safety Act of 1966, as amended, 15 U.S.C. 1381 *et seq.*, and the Motor Vehicle Information and Cost Savings Act, as amended, 15 U.S.C. 1901 *et seq.*:
 - (1) Subpoenas;
 - (2) Information gathering hearings;
 - (3) Administrative depositions;
 - (4) General or special orders; and
 - (5) Written requests for the production of documents and things.

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(b) A person, sole proprietorship, partnership, corporation, or other entity served with compulsory process under this part shall be provided with the following information at the time of the service:

(1) The name of the person, sole proprietorship, partnership, corporation, or other entity to which the process is addressed;

(2) The statutory provision under which the compulsory process is issued;

(3) The date, time, and place of return;

(4) A brief statement of the subject matter of the investigation, inspection, or inquiry; and

(5) In the case of a subpoena *duces tecum* or a written request for the production of documents and things, a reasonably specific description of the documents or things to be produced.

(c) Service of the compulsory processes specified in paragraph (a) of this section is effected:

(1) By personal service upon the person, agent-in-charge, or agent designated to receive process under 15 U.S.C. 1399(e) of the sole proprietorship, partnership, corporation or other entity being investigated, inspected, or inquired of; or

(2) By mail (registered or certified) or delivery to the last known residence or business address of such person or agent.

(d) The date of service of any compulsory process specified in paragraph (a) of this section is the date on which the process is mailed by the agency, or delivered in person, as the case may be. Whenever a period is prescribed for compliance with compulsory process, and the process is served upon the party by mail, 3 days are added to the period.

(e)(1) Any person, sole proprietorship, partnership, corporation, or other entity submitting information or producing documents or things in response to any compulsory process issued under this part may request confidential treatment for all or part of that information or for those documents or things.

(2)(i) Except as provided in paragraph (e)(2)(ii) of this section, requests for confidentiality shall be in writing, and addressed to the Chief Counsel.

(ii) Requests for confidentiality made during an information gathering hearing or an administrative deposition may be made orally to the presiding officer. Any oral request for confidentiality shall be supplemented by a written request, and this written request must be addressed to the Chief Counsel and received by NHTSA within five days of the date of the oral request.

(iii) A written request for confidentiality under paragraph (e) of this section shall specify the information, documents, or things which are to be kept confidential, specify the grounds upon which the claim is based, provide such information as may be necessary to permit the NHTSA to determine whether the claim is valid, and specify the period of time for which confidential treatment is requested.

(f) The Chief Counsel, or his or her delegate, is authorized to negotiate and approve the terms of satisfactory compliance with any compulsory process issued under this part.

§510.4 Subpoenas, generally.

NHTSA may issue to any person, sole proprietorship, partnership, corporation, or other entity a subpoena requiring the production of documents or things (subpoena *duces tecum*) and testimony of witnesses (subpoena *ad testificandum*), or both, relating to any matter under investigation or the subject of any inquiry. Subpoenas are issued by the Chief Counsel. When a person, sole proprietorship, partnership, corporation, or other entity is served with a subpoena *ad testificandum* under this part, the subpoena will describe with reasonable particularity the matters on which the testimony is required. In response to a subpoena *ad testificandum*, the sole proprietorship, partnership, corporation, or other entity so named shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and set forth, for each person designated, the matters on which he or she will testify. The persons so designated shall testify as to matters known or reasonably available to the entity.

[53 FR 26261, July 12, 1988]